## Model Airport Overlay Zoning Ordinance

[Note to user: This model airport overlay zoning ordinance has been developed using model ordinance language found in ACRP Report 27 Enhancing Airport Land Use Compatibility and the FAA’s AC 150/5190-4B. This model overlay ordinance is not a one-size-fits-all template and it will require modifications to be used by airports and their local government(s). The intent of this model is to provide a starting point, particularly for smaller communities and airports, from which to establish local zoning which protects an airport and the surrounding community. This model includes the establishment of five Airport Overlay Zones based on 14 CFR Part 77 Surfaces and Runway Protection Zones (RPZs) assuming an airport has visual approaches only. Note that each airport and local government may choose to define the scope of their overlay zoning differently through the creation of additional zones and changing the size based on the type of approaches their runways have. This model ordinance has been prepared as a reference for Arizona jurisdictions and airports. This is a basic form which does not contemplate all possible scenarios and may require modification for the user’s intended purpose. Please consult with legal counsel prior to implementing this or any other model document in the Airport Land Use Manual.]

### Title and Authority

The \_\_\_\_\_\_\_\_\_\_ Airport Land Use Land Use & Height Overlay Zoning Ordinance created by the [Municipality] shall regulate and restrict the height of structures, objects, and growth of natural vegetation, and limit or otherwise regulate the use of property, within the vicinity of \_\_\_\_\_\_\_\_\_\_\_ Airport to promote compatibility between the Airport and surrounding land uses. Overlay Zones and associated boundaries of those zones around \_\_\_\_\_\_\_\_\_\_\_ Airport are established in this Ordinance. The associated \_\_\_\_\_\_\_\_\_\_\_ Airport Land Use & Height Zoning Map is incorporated into and made part of this Ordinance.

[Note to user: It is intended that such restrictions will be coordinated with the restrictions existing under the [Municipality’s] existing zoning code.]

### Findings and Purpose

Recognizing that the \_\_\_\_\_\_\_\_\_ Airport is a vital transportation facility, providing public access to and from [Municipality/Region] and generating economic benefit for the community, this Ordinance establishes:

1. The creation or establishment of an airport hazard is a public nuisance.
2. Airport hazards pose a potential threat to public health, safety, and welfare and can negatively impact quality of life.
3. Airport hazards can impact the safe movement of aircraft at, to, and from the \_\_\_\_\_\_\_\_\_ Airport.
4. Airport hazards can impact the utility of the \_\_\_\_\_\_\_\_ Airport and the public investment that has been made in its development and operation.
5. For the protection of public health, safety, and overall welfare, the prevention of airport hazards is necessary to the extent legally possible.
6. The prevention and mitigation of airport hazards is a public purpose for which [Municipality] may raise and expend public funds.

### Applicability and Scope

This Ordinance encompasses the prescribed areas defined in this Ordinance around the \_\_\_\_\_\_\_\_\_\_\_ Airport. See Exhibit A – \_\_\_\_\_\_\_\_\_\_\_ Airport Land Use & Height Zoning Map.

### Definitions

**Airport Hazard** – Any use of land or water that will interfere with electronic/navigational/radio signals or communication between aircraft and the \_\_\_\_\_\_\_\_ Airport, create visual obstructions or otherwise impair pilot visibility in the vicinity of the Airport, create atmospheric interference, attract wildlife, or create physical obstructions to flight in the Airport’s vicinity, or be sensitive to aircraft noise and vibration. Any use that endangers or interferes with the landing, takeoff, or maneuvering of aircraft intended to use the Airport.

**Airport Overlay Zones -** Zones intended to place height and land use conditions on land impacted by airport operations while retaining the existing underlying land use zone. Title 14 Code of Federal Regulations Part 77 (14 CFR Part 77) Surfaces for visual runway approaches and Runway Protection Zones have been combined to create five Airport Overlay Zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.

**Zone 1 - Runway Protection Zone (RPZ) -** The area off the end of the runway end designed to provide a clear area that is free of above ground obstructions and structures to enhance the protection of people and property on the ground. Zone A is intended to provide a clear area that is free of above-ground obstructions and structures.

**Zone 2 - Runway Approach -** A critical overlay surface that reflects the approach and departure areas for each runway at an airport. The approach surface is longitudinally centered on the extended runway centerline, extending outward and upward from the end of the runway. The approach slope for visual runways is 20:1 for a distance of 5,000 feet.

**Zone 3 - Transitional Surface -** The transitional surface extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each one-foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

**Zone 4 - Horizontal Surface -** The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and begins at the edge of the transitional surfaces and primary surface for a distance of 5,000 feet for visual approach runways.

**Zone 5 - Conical Surface -** The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one-foot vertically (20:1) for a distance of 4,000 feet. It is the outermost zone of the overlay areas and has the least number of land use restriction considerations.

**Primary Surface -** The primary surface is longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet, or 50 feet beyond the marked edge of a turf runway.

**Visual Approach -** An approach to an airport conducted with visual reference to the terrain only, with no navigational aids.

### Airport Overlay Zones

Airport Overlay Zones established by this Ordinance include all of the land lying beneath Airport Overlay Zones 1-5 as defined in the Definitions section. The dimensions of these zones are provided in Table 1.

**Table 1. Dimensions for Airport Overlay Zones – Visual Runway**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Zone | Description | Inner Width | Outer Width | Length | Height or Slope |
| 1 | Runway Protection Zone (Begins at end of turf runway, 200’ past hard surface runway) | 250’ | 450’ | 1,000’ | Not applicable |
| 2 | Runway Approach  (Begins at end of turf runway, 200’ past hard surface runway) | 250’ | 1,250’ | 5,000’ | 20:1 |
| 3 | Transitional Surface  (width) | N/A | 1,050’ | N/A | 7:1 |
| 4 | Horizontal Surface  (radius) | Begins at edge of transitional surface | 5,000’ | N/A | 150’ above runway (excludes approach zone) |
| 5 | Conical Surface  (radius) | Begins at edge of horizontal surface | 4,000’ | N/A | 20:1 |

[Note to user: Table 1 includes dimensions of Airport Overlay Zones based on an airport having visual approaches to its runway(s). These dimensions will change based on the type of runway approach(es) an airport has. See 14 CFR Part 77 for more information. You may also consider sub-dividing the Runway Approach zone (proposed Zone 2) into separate sub-zones for precision runway approaches which are much larger in size.]

### Airport Zone Height Limitations

Unless otherwise provided for in this Ordinance, no structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any Airport Overlay Zones established by this Ordinance to a height in excess of the following (also shown in Exhibit A, the Airport Land Use & Height Zoning Map).

Zone 1: \_\_\_ feet AGL/MSL

Zone 2: \_\_\_ feet AGL/MSL

Zone 3: \_\_\_ feet AGL/MSL

Zone 4: \_\_\_ feet AGL/MSL

Zone 5: \_\_\_ feet AGL/MSL

[Note to user: It may be easier to establish a blanket allowable height in each of the zones (either above ground level [AGL] or above mean sea level [MSL]) based on what would be allowed under Part 77 rather than requiring property owners and developers to estimate based on the dimensions provided in Table 1. You could allow for variances to exceed these heights if the owner/developer can prove it either (1) does not require an FAA airspace review via the 7460-1 process – suggest use of the FAA’s Notice Criteria Tool, or (2) the FAA finds no hazard or impact to airport approaches after conducting the required airspace review. Be sure to add these additional requirements if you decide to allow this.]

### Land Use Limitations within Airport Zones

General categories of land use types are provided in **Table 2** with an indication of their level of compatibility with the Airport Overlay Zone. Land uses defined in **Table 2** as compatible (C) within the subject zone are allowable if the proposed development follows all provisions of this Ordinance. Those land uses identified as incompatible (I) within the subject zone are not allowed. Several uses may be considered compatible or incompatible after further review by the Airport Zoning Administrator (see **Section 10**). Those uses are identified in **Table 2** as review required (RR) and require an Airport Zoning Permit (see **Section 11**).

**Table 2. \_\_\_\_\_\_\_\_\_\_\_\_ Airport Land Use Compatibility Chart**

| Land Use | Zone 1 | Zone 2 | Zone 3 | Zone 4 | Zone 5 |
| --- | --- | --- | --- | --- | --- |
|  | RPZ | Approach | Transitional | Horizontal | Conical |
| Residential | | | | | | |
| Single-Family | I | RR\* | RR\* | C | C |
| Multi-Family | I | I | RR\* | C | C |
| Group Living | I | I | RR\* | C | C |
| Mobile Homes | I | I | RR\* | C | C |
| Hotels | I | I | RR\* | C | C |
| Institutional | | | | | |
| Schools and Educational Facilities | I | I | RR\* | C | C |
| Day Care Facilities | I | I | I | RR | C |
| Hospitals | I | I | I | RR | C |
| Other Medical Facilities | I | RR | RR | C | C |
| Religious or Cultural Assembly (large) | I | I | RR\* | C | C |
| Schools and Educational Facilities | I | I | RR\* | C | C |
| Commercial | | | | | |
| Professional Offices | I | RR | RR | C | C |
| Shopping Malls | I | I | RR | C | C |
| Other Retail | I | RR | RR | C | C |
| Restaurants | I | RR | RR | C | C |
| Fairgrounds, amusement parks, theaters, casinos | I | I | I | RR | C |
| Arenas, Stadiums, Racetracks | I | I | I | RR | C |
| Industrial | | | | | |
| Light Industrial | I | RR | C | C | C |
| Heavy Industrial | I | I | RR | C | C |
| Waste (hazardous waste, landfills, solid waste transfer stations, commercial composting, underwater wastewater discharge, wastewater treatment) | I | I | I | RR | RR |
| Agriculture | | | | | |
| General Agriculture | RR | RR | RR | C | C |
| Commercial Livestock Operations | I | I | I | RR | C |
| Aquaculture | I | I | I | RR | RR |
| Resource Extraction | | | | | |
| Mining | I | RR | RR | C | C |
| Key: C = Compatible, RR = Review Required, I = Incompatible \*Noise-sensitive Uses | | | | | |

[Note to user: This table includes *general* categories and types of land uses and assumed level of compatibility based on industry knowledge. Review this table carefully and expand as necessary to address specific types of land uses and/or definitions of land uses that are already used in your municipality. Refer to guidance provided in ACRP Report 27 and FAA AC 150/5190-4B.]

### Nonconforming Uses and Marking and Lighting

This Ordinance is not retroactive. The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other changes to or alteration of any structure not conforming to the regulations herein as of the effective date of this Ordinance, or otherwise interfere with the continuance of any legal nonconforming use.

Notwithstanding the preceding provisions of this section, the owner of any nonconforming building, object, or natural vegetation that is considered a height hazard is required to permit the installation, operation, and maintenance thereon of markers and lighting necessary to indicate to aircraft operators the presence of an airport hazard in the vicinity of the airport.

### Airport Zoning Map

The Airport Overlay Zones established by this Ordinance are shown on the Exhibit A to this Ordinance. The \_\_\_\_\_\_\_\_\_\_\_\_\_ Airport Land Use & Height Overlay Zoning Map, including all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this Ordinance.

### Ordinance Administration and Enforcement

It shall be the duty of the [City/Town Zoning Administrator] appointed pursuant to A.R.S. § 9-462.05(C) or [County Zoning Inspector] appointed pursuant to A.R.S. § 11-815(A) referred to herein as the “Airport Zoning Administrator” to administer and interpret the regulations prescribed herein. The Airport Zoning Administrator shall enforce the requirements of this Ordinance, with the assistance, as requested, of the [Municipality’s planning department] and code enforcement.

### Airport Compatibility Permits

Land uses identified as needing additional review in **Table 2**, noted with (RR), will be reviewed by the Airport Zoning Administrator via the submission of an Airport Compatibility Permit. Applications for Airport Compatibility Permits shall be made to the Airport Zoning Administrator upon forms furnished by the Airport Zoning Administrator. Applications shall be either granted or denied by the Airport Zoning Administrator according to the regulations prescribed herein.

It is the duty of the applicant to provide the Airport Zoning Administrator with sufficient information to evaluate the proposed action. This information shall include, but not be limited to, the following:

* Contact information
* Structure information
* Site information
* Drawing information
* Certification
* Identification of current and potential compatibility concerns

The Airport Zoning Administrator may require additional information from the applicant to comprehensively assess any potential compatibility concerns.

[Note to user: If a proposed use includes concerns over noise-sensitivity, consider including a requirement for avigation easements to be granted to your municipality for approval of any new noise-sensitive development. Also, consider requiring additional sound attenuation measures, such as windows and doors with a higher sound rating. Additionally, this section should be modified to fit the existing permitting procedures used within your municipality.]

### Variances

Any person desiring to erect, alter, or increase the height of any structure, object, or to permit the growth of any natural vegetation, or otherwise use their property in violation of any section of this Ordinance may apply to the Board of Adjustment for a variance from such regulation as permitted by

A.R.S. § 9-462.06 / A.R.S §11-816. No application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Airport Zoning Administrator and the airport manager for an opinion as to the aeronautical effects of the requested variance. The Airport Zoning Administrator and Board of Adjustment will consider the potential impacts on the Airport and the proposed use regarding noise, concentration of people, height, visual/atmospheric/electronic obstructions and interference, and wildlife attractants.

[Note to user: This section should be modified to fit the existing variance procedures used within your municipality.]

### Appeals

Any person, property owner, or taxpayer impacted by any decision implementing this Ordinance may appeal to the Board of Adjustment.

[Note to user: This section should be modified to fit the existing appeals procedures used within your municipality.]

### Penalties

Any violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor, and shall be punishable by a fine of not more than $ dollars, an imprisonment for not more than (year or month), or both; each day a violation continues to exist shall constitute a separate offense.

[Note to user: This section should be modified to fit the existing penalties used within your municipality to address zoning violations.]

### Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

### Severability

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

### Effective Date

This Ordinance shall be in effect from and after its passage by the governing body and publication and posting as required by law.

Adopted on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

### Exhibit A – Airport Land Use & Height Overlay Zoning Map

The exhibit provides the \_\_\_\_\_\_\_\_ Airport Land Use & Height Overlay Zoning Map to be kept on file with the appropriate governmental entities.